

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

BILLY T. REED

PLAINTIFF

V.

CIVIL ACTION NO. 3:08CV333 DPJ-JCS

RACHEL WALKER, ET AL.

DEFENDANT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge Sumner recommended dismissal of Reed's § 1983 action. A suggestion of death as to Plaintiff was entered on August 26, 2009, and on August 28, 2009, this Court entered an order giving notice that unless a proper party was substituted in the place of Plaintiff within ninety days of August 26, this action would be dismissed. No such substitution has been made. No objection to the Report and Recommendation has been filed, and the time to do so has now passed.

The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge James C. Sumner be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed without prejudice for failure to prosecute.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 17th day of December, 2009.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE